

NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rulemaking information that does not fit into any other category of notice; and other types of information required by statute to be published in the *Register*. Because of the variety of material that is contained in a Notice of Public Information, the Office of the Secretary of State has not established a specific format for these notices.

NOTICE OF PUBLIC INFORMATION

DEPARTMENT OF TRANSPORTATION - HIGHWAYS

1. **Title and its heading:** 17, Transportation
Chapter and its heading: 3, Department of Transportation - Highways
Article and its heading: 7, Highway Encroachments and Permits
Section numbers: R17-3-701, R17-3-701.01
2. **The public information relating to the listed Sections:**
 The Intermodal Transportation Division (ITD) is amending its rules regarding outdoor advertising, R17-3-701 and R17-3-701.01. ITD has completed a preliminary draft of the amended rules. The draft will repeal R17-3-701 and R17-3-701.01, and add new Sections, R17-3-701.01 through R17-3-701.09.

Before filing the Notice of Proposed Rulemaking (NPRM) with the Arizona Secretary of State, ITD is establishing an informal comment period. ITD invites any interested person to comment on the preliminary draft. Anyone may access the draft NPRM, including the preamble, table of contents, and rules text, by going to the agency Rules Unit web site at www.dot.az.state.us/about/rules, clicking on Outdoor Advertising Draft and Public Comment, and clicking on 17 A.A.C. 3, Department of Transportation - Outdoor Advertising (draft).

For efficient comment input, please submit comments in the following format:

Rule Number	Commenter's Name	Organization	Comment
R17-3-xxx			

3. **A citation to all published notices relating to the listed sections:**
 Notice of Rulemaking Docket Opening: 6 A.A.R. 3854, October 6, 2000 (expired)
 Notice of Rulemaking Docket Opening: 7 A.A.R. 5264, November 23, 2001
4. **The name and address of agency personnel with whom persons may communicate regarding the public information:**

Name: Wendy S. LeStarge, Rules Analyst
 Address: Administrative Rules Unit
 Department of Transportation, Mail Drop 507M
 3737 N. 7th Street, Suite 160
 Phoenix, AZ 85014-5079
 Telephone: (602) 712-6007
 Fax: (602) 241-1624
 E-mail: wlestage@dot.state.az.us

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at: www.dot.state.az.us/about/rules.

5. **The time during which the agency will accept written comments or questions about the public information and the time and place where questions may be made:**
 ITD will not accept verbal comments. Submit e-mailed, faxed, or mailed comments about the outdoor advertising rules no later than the close of business – Tuesday, June 4, 2002.

NOTICE OF PUBLIC INFORMATION

DEPARTMENT OF TRANSPORTATION - COMMERCIAL PROGRAMS

1. **Title and its heading:** 17, Transportation
Chapter and its heading: 5, Department of Transportation - Commercial Programs
Articles and their headings: 4, Dealers
Section numbers: R17-5-405, R17-5-406
2. **The public information relating to the listed Sections:**
The original Notice of Proposed Rulemaking public record for these two sections (then numbered R17-4-245 and R17-4-246) was inadvertently closed on May 11, 2001 through a Notice of Public Information published as noted in item #3 below. The rulemaking action is also being modified from "Repeal, New Section" to "Amend" to align with more accurate Secretary of State publication standards. None of the regulatory provisions of the proposed rules are altered in this action. This notice reopens the public record to allow for further public comment for purposes of eliminating confusion. An oral proceeding may be requested through the agency official listed in item #4. If there is no oral proceeding scheduled, the record will close at 4:30 p.m. on April 30, 2002.
3. **A citation to all published notices relating to the listed sections:**
Notice of Rulemaking Docket Opening: 6 A.A.R. 4319, November 17, 2000
Notice of Proposed Rulemaking: 7 A.A.R. 1432, April 6, 2001
Notice of Public Information: 7 A.A.R. 1565, April 13, 2001
Notice of Recodification: 7 A.A.R. 3483, August 10, 2001
4. **The name and address of agency personnel with whom persons may communicate regarding the notice of public information:**
Name: George R. Pavia, Department Rules Supervisor
Address: Administrative Rules Unit
Department of Transportation, Mail Drop 507M
3737 N. 7th Street, Suite 160
Phoenix, AZ 85014-5079
Telephone: (602) 712-8446
Fax: (602) 241-1624
Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at www.dot.state.az.us/about/rules.
5. **The time during which the agency will accept written comments or questions about the public information and the time and place where oral comments or questions may be made:**
An interested person may submit comments to the agency official listed in item #4 from 8:00 a.m. to 4:30 p.m., Monday through Friday except state holidays.

NOTICE OF PUBLIC INFORMATION

DEPARTMENT OF ENVIRONMENTAL QUALITY - PERMITS AND COMPLIANCE FEES

1. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 14, Department of Environmental Quality - Permits and Compliance Fees
Article and its heading: 1, Water Quality Protection Fees
Section number: R18-14-104
2. **The public information relating to the listed Section:**
As provided under A.R.S. §§ 49-241(E) and 241.02, and in accordance with R18-14-104, the Department of Environmental Quality (the Department) proposes the following Annual Fee Schedule (in Table 1) that applies to fees for the review of applications for individual aquifer protection permits (APP), amendments to existing APPs, and clean closure approvals between from July 1, 2002 through June 30, 2003. The hourly rate applies to review hours incurred by Department staff for a particular permit action. The maximum fees apply to any application that is deemed administratively complete during the specified time-frame.

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TABLE 1 PROPOSED Annual Fee Schedule for Aquifer Protection Permit Actions July 01, 2002 through June 30, 2003				
Hourly Rate Fee: \$61 per hour				
Maximum Fee for Applications Deemed Administratively Complete between July 01, 2002 - June 30, 2003				
Sector	Individual or Area-wide APP	Complex Modifications	Clean Closures	Standard Modi- fications
Drywell	\$3,300	\$3,300	\$3,300	\$3,300
Industrial - operating non- utilities and closures	\$7,200	\$7,200	\$7,200	\$7,200
Industrial - operating utilities and area-wide permits	\$16,300	\$16,300	\$16,300	\$15,000
Mining	\$66,100	\$66,100	\$35,000	\$15,000
Wastewater	\$9,800	\$9,800	\$9,800	\$9,800

FACTORS USED TO DERIVE FEES IN ANNUAL FEE SCHEDULE

HOURLY RATE: No change is proposed for the hourly rate from the FY2002 Fee Schedule. The factors used to derive the hourly rate were specified in the Notice of Final Rulemaking for Water Quality Protection Fees, published at 7 A.A.R. 564, January 26, 2001.

MAXIMUM FEES: In accordance with A.R.S. 49-241.02(A) and (B), the Department derived the formula-based maximum fee using the 75th percentile of the review hours for individual aquifer protection permit applications within certain sectors when the review was completed from July 1, 1997 through June 30, 2001 (FY1998 - FY2001). The Department compared the formula-based maximum fee for each sector with the statutorily specified maximum fee and selected the least restrictive to apply in the Annual Fee Schedule. Specifically, the Department used the information summarized in Table 2 to derive each maximum fee.

TABLE 2 - SUMMARY OF FACTORS USED IN DERIVING FY2002 FORMULA-BASED MAXIMUM FEES				
Sector	Data for Sector	Number of Observations	75th percentile of Billable Hours	Maximum Fee (75th percentile multiplied by \$61 per hour)
Drywell	See Table 3 below	26	53.8	\$3,283
Industrial - Operating Non-Utilities and Clo- sures	See Table 4 below	51	117.9	\$7,189
Industrial - Operating Utilities and Area-wide Permits	See Table 5 below	13	265.6	\$16,202
Mining	See Table 6 below	13	1082.6	\$66,039
Wastewater	See Table 7 below	113	159.5	\$9,730

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The Department rounded up the fee to the nearest one hundred dollars. The formula-based maximum fee applies for most scenarios specified in Table 1. The statutory fee caps specified at A.R.S. 49-241.02(1) and (2) apply for applications for Clean Closure and Standard Modifications for facilities within the Mining sector and applications for Standard Modifications for facilities within the Industrial - Operating Utilities and Area-wide Permits sector.

TABLE 3 - DATA FOR DRY WELL SECTOR			
Fiscal Year	Facility Name	Inventory Number	Total Billable Hours Charged for Project Review
1998	Ping, Inc.	102420	39.00
1998	APS-Casa Grande Service Center	102530	67.30
1999	Allied Signal Aviation Svcs-Drywell #1	102776	30.70
1999	Maricopa Cnty-NW Eqpt Svc Fac	102804	27.40
1999	Steris Laboratories Inc	102838	29.20
1999	Handy & Harman Refining Group, Inc.	102755	126.10
1999	Budget Rent-a-Car	102853	26.70
1999	Quality Printed Circuits	102892	106.50
1999	Penske Truck Leasing	103083	39.30
1999	A-1 Imports Only	103113	83.50
1999	Chevron #9-1440	104146	19.00
2000	Honeywell Inc-Satellite Systems	104015	35.50
2000	Union Dist-Petrostop #4	104003	53.00
2000	Mobil SS#18-NQX Closure	103410	53.00
2001	Consolidated Freightways Corp of Delaware	102911	146.80
2001	7-Eleven Corp-#32824	104200	28.00
2001	7-Eleven No. 32393	104182	36.00
2001	7-Eleven No. 32392	104181	27.00
2001	7-Eleven #32321	104180	33.50
2001	7-Eleven #32281	104179	12.50
2001	7-Eleven #32280	104178	13.50
2001	Arco AM/PM Minimarket Fac No 5345	102512	44.00
2001	Arco AM/PM Minimarket Fac No 5439	102516	46.40
2001	7-Eleven #32265	104177	33.00
2001	Arco AM/PM Minimarket Fac No 5522	102523	55.20
2001	7-Eleven #32319	103581	31.00

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TABLE 4 - DATA FOR INDUSTRIAL SECTOR ACTIONS RELATING TO CLOSURES AND OPERATING NON-UTILITIES			
Fiscal Year	Facility Name	Inventory Number	Total Billable Hours Charged for Project Review
1998	Glendale, City Of-Pyramid Peak WTP	100414	24.50
1998	Holbrook Truck Plaza	101676	37.40
1998	Rhone-Poulenc, Inc.	101350	984.40
1998	Blue Beacon-Kingman	101845	413.50
1998	Foothills Automotive & Car/RV Wash	103380	40.40
1998	Nelson Engineering-Leachfield Closures	103033	83.70
1998	Reed's Auto Parts, Inc.	102904	65.50
1998	Gary McDonald Car Wash	102631	122.00
1998	Arizona Army National Guard- Kingman Facility	103211	73.20
1998	PSI-Copper Mine Transfer Station	103196	121.00
1998	El Paso Natl Gas-Willcox Comp Sta Closure of Surf Imp	100836	55.50
1998	Concrete Designs-Palo Verde Fac	102657	52.90
1999	Tony's Auto Service	102639	149.70
1999	APS-Goodyear Service Ctr	102601	26.10
1999	Yuma County Public Works-Maintenance Yard Truckwash	102627	317.00
1999	Lake Havasu Marina	102681	22.00
1999	Unocal Corp-Svc Sta #5048	102618	105.50
1999	United Metro Materials Inc Plant #12	102071	79.40
1999	Presto Casting	102742	78.50
1999	Coreslab Structures	101428	85.40
1999	United Musical Instruments, USA	100311	499.10
1999	Petro Pcslp-Petro Stopping Center	100283	311.20
1999	Universal Propulsion Co, Inc.	102500	98.80
1999	Unocal Corp-Svc Sta #3818	102615	89.70
1999	Imsamet of AZ, Brine Pond Closure	102997	108.50
1999	Concrete Designs Inc-Broadmont	102738	30.50
1999	Secor International Inc-Frito-Lay Inc Logistics Facility	103158	85.60

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1999	Apache Railway	103169	235.20
1999	Shea Homes	103358	62.00
1999	B.J. Cecil Trucking Inc	103206	104.50
1999	USAF/Luke AFB - Fire Training Facility	103360	90.00
1999	AZ Army Natl Grd	103609	62.70
1999	Sea Ray Boats Inc	103337	21.50
1999	Pima Cty Swan Rd	103621	64.50
1999	Tucson, City Of-Public Safety Training Academy Basin 3 Impoundment	103584	91.80
1999	Rapid Harvest Vehicle Insurance	103614	18.00
2000	United Metro Materials, Inc-Plant #1	103223	80.30
2000	Unocal #3782	102616	114.70
2000	IWX Motor Freight-Kingman	101841	128.00
2000	Classy Chassis Car Wash	102625	45.00
2000	Booth Machinery, Inc.	103619	63.50
2000	Talley Defense #3	101370	230
2000	The AZ Republic-former Phx Newspapers, Inc. Bldg	103903	70.80
2000	Five Star Car Wash	104024	33.50
2001	Fortuna Car Wash	100286	30.00
2001	Caterpillar Inc-Tucson Proving Ground/Tinaja Trng Ctr	100425	107.50
2001	Chandler Ready Mix Inc	102531	188.80
2001	Omya, Inc.	104187	169.50
2001	Former Desert Seed Farm Shop	104194	56.00
2001	The Jordan Property	501831	61.00
2001	Phoenix Body Works	501931	10.50

**TABLE 5 - DATA FOR INDUSTRIAL SECTOR
ACTIONS RELATING TO OPERATING UTILITIES AND AREAWIDE**

Fiscal Year	Facility Name	Inventory Number	Total Billable Hours Charged for Project Review
1998	El Paso Nat Gas-Alamo Lake Compressor Sta	103188	112.50

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1998	El Paso Natl Gas-Williams Comp Sta	100759	107.50
1998	APS-Cholla Power Plant	100568	462.90
1999	APS-Yucca Power Plant	100787	55.20
1999	Ferrellgas Adamana Terminal	102338	131.60
2000	Black Mesa Pipeline, Inc. Pump Sta #4	103992	47.50
2000	Black Mesa Pipeline, Inc. Pump Sta #3	103991	75.00
2000	Griffith Energy Project	103707	350.00
2001	Abitibi Consolidated Sales Corp-Snowflake Mill Plant	103168	410.60
2001	Abitibi Consolidated Sales-Dry Lake Closure	103193	265.60
2001	Panda Energy-Panda Gila River Project	104166	177.55
2001	PWEC-West Phoenix Power Plant Combined Cycle Unit 4	501828	134.50
2001	Reliant Energy Desert Basin Gen Station	501832	146.00

TABLE 6 - DATA FOR MINING SECTOR

Fiscal Year	Facility Name	Inventory Number	Total Billable Hours Charged for Project Review
1998	BHP Copper-Pinto Valley Operations-Temp Facility (Remove Tailings from Pinto Creek)	100329	30.50
1998	La Colorada Minerals	101031	687.5
1998	Yarnell Mining Co-Yarnell Project	101015	1,082.60
1998	Cyprus Miami Leach Expansion Facility	103201	1,168.10
1998	Asarco Inc-Mission Complex Tailing Facility No 4	100508	960.40
1998	U.S. Navy Mill	102582	355.40
1999	Asarco Inc-Mission Complex	100508	568.30
1999	Equatorial Mineral Park	100517	1,051.60
1999	BHP Copper Inc-Copper Cities Deep Pit Tailing Repository	101888	552.50
1999	Santa Cruz Joint Venture In-Situ Copper Mining Project	103147	2266.70
2000	AMT Inc-Ryland Expl Decl-Copper Creek Project	102406	351.10
2001	Phelps Dodge Morenci	100193	2065.50

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2001	The Phoenix and Westside Mine	100571	302.90
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TABLE 7 - DATA FOR WASTEWATER SECTOR			
Fiscal Year	Facility Name	Inventory Number	Total Billable Hours Charged for Project Review
1998	Gilbert, Town Of-WWRP	100393	45.50
1998	Chandler, City Of-Airport Reclamation Plant	103170	49.50
1998	Roadhaven Resort	101709	54.00
1998	Florence, Town Of-Florence Gardens	100392	134.50
1998	Forest Highlands WWRP	100273	98.00
1998	Superior, City Of-WWTP	100687	67.80
1998	Cave Creek, Town Of-WWTP	103130	131.30
1998	Arizona Factory Shops	102996	78.90
1998	Solitude Trails Subdivision	102993	54.50
1998	Sahuarita School Dist #16 Combined Campus	103378	103.50
1998	USDA FS-Tonto NF-Roosevelt WWTP	100819	148.00
1998	Pima Util-Sun Lakes	102972	172.00
1998	Tucson, City Of/Tucson Water- Sweetwater Recharge Fac	103370	490.30
1998	Gilbert, Town Of-Greenfield/Guadalupe Rechg Proj	103339	89.80
1998	Portal Pine Creek Canyon Unit IV- WWTP	102949	82.90
1998	Chandler, City Of-Ocotillo WWRF	100140	94.70
1998	Inscription Canyon WWTP	103119	102.00
1998	Sierra Vista, City Of-Pilot Recharge Basin	101489	123.20
1998	IBM Corp-U of A Science & Tech	101680	78.60
1998	Scottsdale, City Of-Water Campus	102633	155.40
1998	Citizens Util-Riverbend WWTP Closure	101617	39.50
1998	Lake Havasu City, City Of-Lake Havasu Island WWTP	101611	261.50
1999	Sierra Vista, City Of-WRP	101489	267.5
1999	Taylor, Town Of-WWTP	101416	109.20
1999	Lake Havasu City, City Of-Mulberry WWTP	101612	114.70
1999	USAF-Luke AFB WWTP	100563	268.00
1999	Phoenix, City Of-23rd Ave WWTP	100578	307.20

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1999	Chaparral Country Club	100233	54.40
1999	Country Breeze Estates	100038	87.90
1999	Wickenburg, Town Of-WWTP	100495	174.50
1999	Pima Cnty WWMD-Corona De Tucson	100644	187.30
1999	Coolidge, City Of-WWTP	100665	181.00
1999	Prescott, City Of-Airport WWTP	101733	132.00
1999	Roles Inn of America-Cotton Lane RV & Golf Resort	101836	48.00
1999	Pebblecreek Prop Ltd-Phase II Stormwater Ret Basins & Vadose Zone Inj Wells	103615	78.00
1999	Biasi WWTP	103612	46.50
1999	Yuma County Housing Dept WWTP	103171	82.80
1999	Glendale, City Of-West Area WWRP	103580	50.00
1999	Havasu Springs Resort	102186	141.10
1999	Pilot Corp-Pilot Travel Ctr #211 WWTF	103546	82.30
1999	Correction Corp of America-Eloy Detention Ctr	102749	147.00
1999	Colorado River KOA	103557	102.50
1999	Snowbase Subdivision	103139	142.30
1999	Camp Lomia	103351	246.20
1999	Wing Mountain Ranch Subd, Units 3 & 4	103333	242.40
1999	Pecan Valley Inv LC-Plo Verde Util Co WWTP	103558	31.50
1999	Pine Country Investments-High Country Pines	103425	74.30
1999	Johnson Ranch Util Co-Johnson Ranch WWTP	103081	104.70
1999	Phoenix, City Of-Sander Transfer Station	103320	55.00
1999	Far West Water & Sewer	103608	59.80
1999	Citrus View WWTP	103545	76.50
2000	Buckskin San Dist-Sandpiper WWTP	100804	200.90
2000	Clear Springs Util WWTP	100824	144.00
2000	Pima Cnty WWMD-Avra Valley WWTP	100642	329.90
2000	Hidden Shores RV Park	100789	88.50
2000	Gila Bend, Town Of-WWTP	100576	76.30
2000	Buckeye, Town Of-WWTP	100574	32.00
2000	Springerville, Town Of-WWTP	100827	280.10

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2000	USBR-Hoover Dam	102131	60.50
2000	White Mtn Lakes WWTP	100277	243.30
2000	Clifton, Town Of-WWTP	100973	70.50
2000	Tempe, City Of-Kyrene	100405	415.30
2000	Founders Corp Ctr	100145	45.50
2000	Sanders Unif School Dist #18 WWTP	101317	76.00
2000	Eloy, City Of-WWTP	101689	264.84
2000	Sunscape WWTP	100077	32.00
2000	Westwind RV & Golf Resort	100050	171.20
2000	Sun Vista RV Resort	103414	135.00
2000	Williams, City Of-WWTP	101368	169.50
2000	Recot Inc-Frito-Lay WWT & Disp Fac	100381	56.00
2000	Paradise Peak West WWTP	102182	159.50
2000	Bradshaw Mtn RV Resort	103556	25.00
2000	Alpine Sanitary Dist	101437	163.70
2000	Kachina Village Improv Dist WWTP	100362	156.50
2000	Phelps Dodge-Ajo Improvement Dist	101678	288.00
2000	Fredonia, Town of	103594	183.20
2000	Tomahawk Auto/Truck Stop & RV Park WWTP	103595	185.50
2000	Sahuarita WWTP	103602	38.50
2000	Pima Cnty FCD-Marana High Plains Effluent Rechg Proj	103195	133.80
2000	Glendale, City Of-West Area WWRF	103611	256.00
2000	USBR-Yuma Desalting	100306	65.50
2000	Beaver Dam Heights	103361	131.50
2000	Houston Creek Landing	103676	83.50
2000	Sedona Summit-Navoti WWTP	103678	60.00
2000	Pinal Cnty HUD Housing-Stanfield WWTP	103679	62.10
2000	Pinal Cnty HUD Housing- Maricopa WWTP	103680	31.50
2000	Sunlake Village LLC-Sunlake Village Phase B WWTP	103681	67.80
2000	Clear Skies MHP-WWTP	103696	62.00
2000	Bison Ranch WWTP	103703	42.50

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2000	Holbrook, City Of-Painted Mesa WRF	103725	58.00
2000	Picacho WWTP	103890	48.00
2000	Mohave Corr Properties-Sacramento Rd WWTP	103892	54.50
2000	Meadow Vista WWTP	104081	89
2001	Bullhead City, City Of - Sierra WWTP	100603	190.90
2001	Beaver Dam Sewer Company WWTP	104153	72.00
2001	Buckeye, Town Of - Blue Horizon Villages WRF	104165	154.00
2001	Robson Ranch Quail Creek	104174	33.50
2001	Seven Canyons PF Sedona WWTP	103334	53.00
2001	Sunshine Estates WWTP	104176	39.50
2001	Pima County WWMD -Green Valley POTW	100629	252.20
2001	Palm Valley WRF	100310	60.00
2001	Miraval Resort Septic Tank - Leach Field System	100216	65.10
2001	Somerton, City Of - Sewage Plant	100791	48.05
2001	Pima, Town Of - WWTP	100805	145.50
2001	El Mirage, City Of - WWTP	101943	177.00
2001	Flagstaff Ranch Golf Club WWTP	21396	43.50
2001	Rip Griffin Truck/Travel Center	101834	80.50
2001	Sandpoint Marina & RV Park WWTS	101620	41.50
2001	Tombstone, City Of - WWTP	100834	64.00
2001	Miami, Town Of - WWTP	100814	279.50
2001	US DOJ-Safford FCI WWTP	100809	99.20
2001	Safford, City Of - WWTP	100806	154.41
2001	Kearny, Town Of - WWTP	103709	89.50

3. The name and address of agency personnel with whom persons may communicate regarding the public information:

Name: Jane DeRose-Bamman

Address: Arizona Department of Environmental Quality
M0401A
3033 N. Central Avenue
Phoenix, AZ 85012

Telephone: (602) 207-4374 (Metro-Phoenix area) or 1-800-234-5677, ext. 4374 (other areas)

4. The time during which the agency will accept written comments about the public information and the time and place where oral comments or questions may be made:

The Department will accept written comments on the factors used to derive the Annual Fee Schedule until close of business on April 30, 2002. Written comments may be directed to the contact person listed above.